HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE G. V. SEETHAPATHY

WRIT PETITION No.14650 of 2006

Between:

Smt.Nuthangi Kumari …Petitioner

AND

State Election Commission,
Andhra Pradesh, Hyderabad & others. …
Respondents

:: O R D E R ::

Counsel for the Petitioner : Sri G.R.Sudhakar, representing
Sri G.Jayaprakash Babu

Counsel for Respondent No.1 : Sri V.V. Prabhakara Rao

Counsel for Respondent Nos.2 to 4 :Government Pleader for
Panchayat Raj.

28th JULY 2006

Per G.S.Singhvi, C.J.

This is a petition by Smt. Nuthangi Kumari for issue of a direction to the respondents to include her name in the voters' list of Village Tadimalla, Nidadavole Mandal, West Godavari District, and to allow her to contest the election for the office of Sarpanch of Tadimalla Gram Panchayat.

Although the respondents have not filed counter affidavit despite

the fact that the copy of the writ petition was supplied to Sri V.V.Prabhakara Rao, Advocate for the State Election Commission on 17-7-2006, after hearing learned counsel for the parties and perusing the record, we are convinced that the petitioner has failed to make out a case for grant of relief in terms of the prayer made.

The substratum of the petitioner's grievance is that her name was included in the electoral rolls of the Assembly Constituency prepared and published by the competent authority in 1999, but in the electoral rolls prepared in 2006 of Village Tadimalla, her name has been arbitrarily omitted. Her further grievance is that even though she had submitted representation dated 6-7-2006 to Revenue Divisional Officer, Kovvur, West Godavari District, the officer concerned has not taken steps to include her name in the voters list and, on that account, she will be deprived of her right to exercise franchise in the forthcoming elections for Gram Panchayat, Tadimalla. In our opinion, the grievance made by the petitioner is meritless and the writ petition is liable to be dismissed.

A reading of copy of the representation dated 6-7-2006 shows that it is not a claim lodged in the prescribed form i.e., Form No.VI for inclusion of her name in the voters list. In terms of proviso to Section 11 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the 1994 Act') read with Rule 6 of the Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000 (for short 'the 2000 Rules') any person aggrieved by non-inclusion of his/her name in the voters list or wrongful inclusion of the names of some others has to lodge a claim in the prescribed form. Then and then only the Electoral Registration Officer is required to take decision on the issue of inclusion or exclusion of names in the voters list. Since, the petitioner has failed to show that she had lodged claim as per the procedure prescribed under proviso to Section 11 of the 1994 Act read

with Rule 6 of the rules, it is not possible to issue a mandamus to the respondents to include her name in the electoral rolls and allow her to participate in the election for the office of Sarpanch.

With the above observations, the writ petition is dismissed.

G.S.SINGHVI, C.J.

28th July, 2006.

G. V. SEETHAPATHY, J.

ARS/GRR